

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

CALVIN DANIELS and MANETHIA DANIELS,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 14-0303-CV-W-ODS
)	
COLORADO FEDERAL SAVINGS BANK,)	
et al.,)	
)	
Defendants.)	

ORDER DISMISSING DEFENDANT MILLSAP & SINGER, LLC
WITHOUT PREJUDICE

On April 2, 2014, Defendant Millsap & Singer, LLC filed a Motion to Dismiss. Plaintiffs did not respond, and on April 28 the Court issued an Order directing Plaintiffs to show cause why Millsap & Singer should not be dismissed. Plaintiffs responded on May 8 by filing a Notice of Voluntary Dismissal whereby they seek to have Millsap & Singer dismissed without prejudice. Millsap & Singer has not responded to this effort.

The Court elects to dismiss Millsap & Singer without prejudice. The Court notes that while Millsap & Singer's presence deprived the Court of diversity jurisdiction, Plaintiff's dismissal removes this difficulty and the case need not be remanded. Cf. Knudson v. Systems Painters, Inc., 634 F.3d 968, 975-76 (8th Cir. 2011).

The Court expresses no view on Millsap & Singer's Motion to Dismiss (Doc. # 2), which is denied as moot. The Court also expresses no view on the argument (presented in Defendants' Notice of Removal) that Millsap & Singer was fraudulently joined.

IT IS SO ORDERED.

DATE: May 27, 2014

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT